

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT REVELS, III,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C14-5896BHS

ORDER DENYING PETITION IN
PART

This matter comes before the Court on Petitioner Robert Revels's ("Revels") motion to vacate, set aside, or correct his sentence (Dkt. 1), Revels's amended motion to vacate, set aside, or correct his sentence (Dkt. 15), and the Court's order granting in part, denying in part, and reserving ruling in part (Dkt. 50). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby denies the remainder of Revels's petition as moot.

On April 2, 2010, the Government filed a complaint against Revels alleging that Revels committed an armed bank robbery, he was armed during the commission of a violent felony, and he was a felon in possession of a firearm. CR10-5268BHS, Dkt. 1. On the last day of trial, the Court found Revels not guilty of the counts charged in the

1 indictment, but found Revels guilty of the lesser included offense of aiding and abetting
2 an unarmed bank robbery. *Id.*, Dkt. 95. On April 30, 2012, the Court sentenced Revels,
3 in part, to 192 months of incarceration. *Id.*, Dkt. 115.

4 On November 10, 2014, Revels filed the instant motion to vacate, set aside, or
5 correct his sentence. Dkt. 1. On July 23, 2015, Revels moved to amend his petition to
6 add a claim under *Johnson v. United States*, 576 U.S. ___, 135 S. Ct. 2551 (2015). Dkt.
7 15. On July 29, 2015, the Court granted the motion to amend. Dkt. 17. On October 5,
8 2016, the Court granted the petition in part, denied the petition in part, and reserved
9 ruling in part. Dkt. 50. In relevant part, the Court reserved ruling pending resentencing
10 stating that the remainder of the petition is moot if the Court sentences Revels to fifteen
11 years of incarceration or less. *Id.* at 12–13.

12 On November 14, 2016, the Court resentenced Revels to 120 months of
13 incarceration, which is less than fifteen years. CR10-5268BHS, Dkt. 144.

14 Therefore, the Court **DENIES** the remainder of Revels's petition as moot. The
15 Clerk shall enter **JUDGMENT** for Revels in part and close this case.

16 **IT IS SO ORDERED.**

17 Dated this 7th day of December, 2016.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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